

REMARKS/ARGUMENTS

With this Amendment, Applicant amends claims 9, 10, 25, 26, 27 and 28 and adds new claims 29-48. No new matter is added. Support for the amendments to claims 9, 10, 25, 26, 27 and 28 may be found at least in paragraph [0016] of the originally-filed specification. Claims 9-48 are currently pending in the application. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Rejection of Claims 10, 12, 14, 16, 18, 20, 22, 24, 27 & 28 Under 35 U.S.C. § 102(e)

Claims 10, 12, 14, 16, 18, 20, 22, 24, 27 and 28 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Hardouin (U.S. Patent No. 6,311,078; hereinafter "Hardouin").

In contrast to amended claim 10, Hardouin does not teach or suggest and is altogether silent regarding a system comprising, *inter alia*, at least two operable devices with operating states that are producible or changeable. *The devices* are configured for use in a vehicle, with an operating panel configured to allow a user to cause at least one of producing existing operating states or changing existing operating states of a respective one of the operable devices. The system further comprises a decision unit, coupled to the operating panel of the respective operable device, which receives driving speed data from said at least one sensor *for detection* of vehicle-specific conditions by measuring fluctuation of the driving speed of the vehicle over a time period and blocks or releases the existing operating states of the respective operable device based on the measured fluctuation. *Different speed limitations* apply to *different ones* of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

In contrast to claim 10, Hardouin at most discloses controlling the receipt and origination of a call based on a preset speed limit. If the speed limit is exceeded, calls are not allowed to be originated or received. Similarly, calls are not allowed during only temporary stops. That is to say, it is required that the vehicle is below the preset speed limit for a certain amount of time, e.g., 30 seconds.

Hardouin does not disclose more than one operable device, as recited by amended claim 10. Rather, Hardouin is at most related to only a single wireless telephone. Hardouin thus fails to teach or suggest that different speed limitations are used for different operable devices, as recited by claim 10. Hardouin is deficient for at least this reason.

In contrast to claim 10, Hardouin at most discloses that the operable device therein has more than one operating state or function, respectively, namely at least originating and receiving calls. However, Hardouin fails to teach or suggest that for allowing or disallowing such plural operating states of the wireless telephone different speed limitations are applied, as would be required by the recitations of claim 10.

Furthermore, Applicant points out that the speed limit of Hardouin is fixed and relates to a current speed only, rather than an average speed or the trend *of the speed over time*, as would be required by claim 10. At least paragraph [0018] of the originally-filed specification describes that the claimed invention as recited in claim 10 takes into account if the speed is constant implying that the driving is steady instead of driving on a difficult road where the driver needs to concentrate more. Therefore, in the claimed invention not only is a simple speed used to judge if a driving situation is dangerous, but a (complex) driving profile is also evaluated, which includes more than just a (momentary) speed. In Hardouin no other parameters except the speed are considered in allowing or disallowing originating or receiving calls. As such, Hardouin fails to teach or suggest receipt of driving speed data for detection of *vehicle-specific conditions* by measuring fluctuation of the driving speed of the vehicle *over time and* blocks or releases of the existing operating states of an operable device, as recited by claim 10.

Based at least on the foregoing reasons, Hardouin is deficient and does not teach or suggest all of the features of claim 10. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 102(e) rejection of independent claim 10 and its dependent claims 12, 14, 16, 18, 20, 22 and 24.

Since claim 27 contains features that are analogous to, though not necessarily coextensive with the features recited in claim 10, Applicant submits that independent claim 27 and its dependent claim 28 are patentable at least for reasons analogous to those submitted for claim 10.

II. Rejection of Claims 9, 11, 13, 15, 17, 19, 21, 23, 25 & 26 Under 35 U.S.C. § 103(a)

Claims 9, 11, 13, 15, 17, 19, 21, 23, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hardouin, in view of Hahn et al. (U.S. Patent No. 6,188,949 B1; hereinafter "Hahn").

As discussed above with respect to claim 10, Hardouin does not teach or suggest (A) at least two operable devices with operating states that are producible or changeable for usage in a vehicle and (B) different speed limitations that are used for different operable devices, as also required by claim 9.

Hahn does not make up for these deficiencies of Hardouin and is not cited for such. In contrast to claim 9, Hahn, at most, discloses saving a route that has been driven before and associating a proper velocity limit to that route. The velocity limit is based on a previous drive of the route. (See Col. 5, lines 35-58 of Hahn) However, relying on any previous data for determining if a current driving situation is dangerous is not reasonable. Moreover, relying on a previous driving situation to determine if a current driving situation is dangerous does not teach or suggest *evaluating received sensor data and vehicle-specific conditions* that are converted into a driving profile indicating an *actual driving situation* of the vehicle and blocking or releasing the existing operating states of a respective operable device according to whether *the actual driving situation* is detected to be dangerous or non-dangerous, as required by claim 9.

For at least the foregoing reasons, the combination of Hardouin and Hahn is deficient and does not teach or suggest all of the features of claim 9. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of independent claim 9 and its dependent claims 11, 13, 15, 17, 19, 21 and 23.

Since independent claims 25 and 26 contain features that are analogous to, though not necessarily coextensive with the features recited in claim 9, Applicant submits that independent claims 25 and 26 are patentable at least for reasons analogous to those submitted for claim 9.

III. New Claims

Applicant herein adds new claims 29-48 to add more varied protection of Applicant's invention as described in the originally-filed specification. In addition to their dependencies

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from claims 9, 10, 25, 26 and 27, Applicant submits that new claims 29-48 are independently patentable given that the cited references, alone or in combination, do not teach or suggest the features of these claims. For instance, as noted above, in Hardouin no other parameters except the speed are considered in allowing or disallowing originating or receiving calls. As such, Hardouin, alone or in combination with Hahn, fails to teach or suggest considering speed fluctuation, brake activation, steering wheel turning, and inclination angle of the vehicle in judging if a particular driving situation is dangerous or not, as recited by new claims 32, 36 and 40.

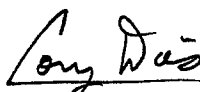
Support for new claims 29-48 may be found at least in paragraphs [0011], [0012], [0016], [0017], [0019], [0024] and [0027] of the published application.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Miller is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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